



249283

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: AUG 21 1992

SUBJECT: ACTION MEMORANDUM - Request for a Ceiling Increase at the Toledo Plate and Window Glass Site, Toledo, Lucas County, Ohio (Site ID #RA)

FROM: Jason H. El-Zein, On-Scene Coordinator *J. El-Zein*
Emergency and Enforcement Response Branch - Section 1TO: William E. Muno, Acting Director
Waste Management DivisionTHRU: Jodi Traub, Acting Associate Division Director
Office of SuperfundI. PURPOSE

The purpose of this Action Memorandum is to request and document your approval for a ceiling increase of \$639,700 for the Toledo Plate and Window Glass site in Toledo, Lucas County, Ohio. The increase is necessary for the abatement and disposal of friable asbestos-containing materials (ACM). The increase will raise the original ceiling project of \$689,700 to \$1,329,500.

This site is not on the National Priorities List. The removal action continues to be classified as time-critical.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS #OH 005 035 670

The site history and description are included in the May 15, 1992, Action Memorandum (attached). The ceiling increase is required for the abatement and disposal of ACM. ACM discovered at the site to date during the removal action exceed the amount assumed to be present when the original action memorandum was initiated.

Since the start of the removal actions on May 4, 1992, the following removal objectives have been completed at the site:

- 1) Developed and implemented a site Health and Safety Plan.
- 2) Established site security by boarding up the building and mobilizing a 24-hour security service to guard the site.
- 3) Characterized and overpacked approximately 150 drums of wastes for off-site disposal.
- 4) Disposed of 26 cubic yards of RCRA-empty drums.
- 5) Conducted a survey and collected approximately 60 samples of asbestos to identify ACM in the building.

- 6) Removed and disposed of 30 cubic yards of asbestos.

The site is located in a very poor socioeconomic area of Toledo. Empty food cans and beverage containers indicate that people had been using the second floor as a shelter. It is quite possible that the loose ACM that can be seen throughout the building is the result of people gaining access to the site to remove copper pipes for salvage purposes.

Due to the location of the site and the apparent acts of vandalism in the past, the OSC believes that once security is gone people will again gain access to the site which would result in an increase of asbestos exposure to trespassers and nearby residents.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at the Toledo Plate and Window Glass site continue to present a threat to public health, or welfare, or environment and meet the criteria for the removal action as stated in the National Contingency Plan Section 300.415(b)(2), as documented in the attached Action Memorandum dated May 15, 1992. The adverse health effects associated with asbestos exposure have been extensively studied for many years. Inhalation of asbestos fibers may lead to increased risk of developing one or more diseases which include, but not limited to, asbestosis, lung cancer, mesotheloma, and cancer of the esophagus, stomach, colon, and pancreas.

IV. ENDANGERMENT DETERMINATION

Given the site conditions, the nature of the hazardous substances on site, friable asbestos, and the potential exposure pathways as described in the May 15, 1992, Action Memorandum, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the continued response actions selected in this Action Memorandum, continue to present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The objective of this action is to complete cleaning and disposing of ACM, thereby eliminating the threat of release of friable asbestos which may pose an imminent and substantial endangerment to public health, or welfare, or the environment.

All applicable or relevant and appropriate requirements (ARARs) will be complied with to the extent practicable. The following Federal statutes/regulations were considered as potential ARARs for this site and evaluated as follows:

- 1) Asbestos Hazard Emergency Act (AHERA) of 1986 - All removal work related to the cleanup of asbestos at this site will be conducted in compliance with AHERA.
- 2) Resource Conservation and Recovery Act (RCRA); 40 Code of Federal Regulations (CFR) Parts 260-268 - This removal action will attempt to comply with the intent of the regulations in that no adverse effect to public health or the environment will result from this action. Any waste transported off site for disposal will be tracked through RCRA manifesting procedures, if applicable, and disposed of at a RCRA-permitted facility.
- 3) Comprehensive Environmental Response Compensation and Liability Act (CERCLA); 40 CFR Parts 300, 302 - The actions taken at this site, as with all removal actions, are governed by these regulations.
- 4) Additionally, the following guidance will also be considered as potential ARARs at the site:
 - a) Asbestos Waste Management/Guidance: Generation, Transport, and Disposal: Washington, D.C., Office of Solid Waste, U.S. EPA, 1985.
 - b) Guidance for Controlling Friable Asbestos-Containing Materials in Buildings: Washington, D.C. Office of Pesticides and Toxic Substances, U.S. EPA, 1983.
 - c) Guidance for Controlling Asbestos-Containing Materials in Buildings: Washington, D.C. Office of Pesticides and Toxic Substances, U.S. EPA, 1985.
 - d) Measuring Airborne Asbestos Following and Abatement Action: Washington, D.C. Office of Pesticides and Toxic Substance, U.S. EPA, 1985.
 - e) Ohio Administrative Code, Chapter 3701-34, Ohio Department of Health Asbestos Hazard Abatement Rules.

The detailed cleanup contractor cost estimate increase is presented in Attachment 1 and estimated project cost increases are summarized below:

<u>Extramural Costs</u>	<u>Current Ceiling</u>	<u>Proposed Increase</u>	<u>Proposed Ceiling</u>
Regional Allowance Costs	\$400,000	\$350,000	\$ 750,000
Contingency (15%)	<u>60,000</u>	<u>52,500</u>	<u>112,500</u>
Subtotal	\$460,000	\$402,500	\$ 862,500
TOTAL TAT, including multiplier	<u>80,000</u>	<u>80,000</u>	<u>160,000</u>
Extramural Subtotal	\$540,000	\$482,500	\$1,022,500
Extramural Contingency (20%)	<u>81,000</u>	<u>97,000</u>	<u>178,000</u>
TOTAL, Extramural Costs	\$621,000	\$579,500	\$1,200,500
<u>Intramural Costs</u>			
U.S. EPA Direct Costs Increase (\$30/hr x 700 Regional hrs + 70 HQ hrs)	\$ 26,400	\$ 23,100	\$ 49,500
U.S. EPA Indirect Costs Increase (\$53 x 700 Regional hrs)	<u>42,400</u>	<u>37,100</u>	<u>79,500</u>
TOTAL, Intramural Costs	\$ 68,800	\$ 60,200	\$ 129,000
Total Removal Project Ceiling	<u>\$689,800</u>	<u>\$639,700</u>	<u>\$1,329,500</u>

The removal activities will require an estimated additional 70 on-site working days to complete.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If action is delayed or denied, public health concerns will continue and, if delayed too long, could result in the increase of asbestos exposure to persons trespassing the site and to nearby residents.

VII. OUTSTANDING ISSUES

There are no outstanding policy issues associated with this site.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site was contained in an Enforcement Confidential

Addendum to the May 15, 1992, Action Memorandum and the revised Enforcement Addendum attached.

IX. RECOMMENDATIONS

This decision document represents the selected removal action for the Toledo Plate and Window Glass site in Toledo, Lucas County, Ohio, developed in accordance with CERCLA as amended, and is not inconsistent with the National Contingency Plan. This decision is based on the Administrative Record for the site. Conditions at the site continue to meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of this request. The total project ceiling increase, if approved, will be \$639,700, for a total site ceiling of \$1,329,500. Of this, an estimated \$499,500 may be used for cleanup contractor costs.

APPROVE: _____

Wm. E. Myers
ACTING DIRECTOR, WASTE MANAGEMENT DIVISION

DATE: _____

8/21/92

DISAPPROVE: _____

ACTING DIRECTOR, WASTE MANAGEMENT DIVISION

DATE: _____

Revised Enforcement Addendum
Attachments

1. Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Action Memorandum dated May 15, 1992

cc: Terri Johnson, OS-210
Dan Osterfeld, Ohio Environmental Protection Agency
Shelia Huff, U.S. Department of Interior

bcc: N. Ellen-Zusman, CS-3T
A. Baumann, HS-6J
R. Bowden, HSE-5J
M. O'Mara, HSE-5J
R. Powers/R. Buckley, HSE-GI
C. Graszer, HSE-5J
O. Warnsley, MC-10J
T. Lesser, P-19J
F. Myers, M-19J
J. El-Zein, HSE-GI
Contracting Officer, MC-10J
EERB Read File
EERB Delivery Order File
EERB Site File

REVISED ENFORCEMENT ADDENDUM

TOLEDO PLATE AND WINDOW GLASS SITE
TOLEDO, OHIO
JUNE 1992

ENFORCEMENT CONFIDENTIAL INFORMATION

Redacted-information not relevant to the selection of the removal action.

ATTACHMENT 1

CLEANUP CONTRACTOR COST INCREASE ESTIMATE
TOLEDO PLATE GLASS SITE
TOLEDO, OHIO
JUNE 1992

Personnel	\$150,000
Equipment and Materials	100,000
Transportation and Disposal	50,000
Sampling and Analysis	50,000
	<hr/>
TOTAL	\$350,000

ATTACHMENT 2
ADMINISTRATIVE RECORD
FOR
TOLEDO PLATE GLASS SITE
TOLEDO, OHIO
April 30, 1992

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
04/07/92	Weaver, C., Ohio EPA	Bach, P., Fifth-Third Bank	Letter Regarding Site Inspection and Violations	3
04/16/92	Bauer, R.	Weaver, C., Ohio EPA	Response to 4/7/92 Letter and Unwilling- ness to Comply	1
05/07/92	E & E	Heaton, D., U.S. EPA	Site Inspection	40
05/15/92	Renninger, S., U.S. EPA	Ullrich, D., U.S. EPA	Action Memorandum	10

UPDATE

July 10, 1992

00/00/92	El-Zein, J., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum- Ceiling Increase (Pending)
----------	--------------------------	-----------------------	---